

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Karkas et al.	CONF. NO.:	4512
SERIAL NO.:	09/893,165	ART UNIT:	2134
FILING DATE:	06/27/2001	EXAMINER:	Lipman, J.
TITLE:	WIRELESS ACCESS DEVICE		
ATTORNEY			
DOCKET NO.:	442-010445-US (PAR)		

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

1. Claims 1-5, and 8-27 are patentable over the combination of Wang (US 6,175,922) and Wiik et al. (US 5,260,551, "Wiik") under 35 U.S.C. 103(a).

The combination of Wang and Wiik fails to disclose or suggest:

receiving from a service provider a key having an identification tag identifying the service provider and validity information relating to a service provided by the service provider; and

providing the key and validity information to the access device in response to a request identifying the service provider, as essentially recited by claims 1, 23, 26 and 27.

2. Wang has no disclosure related to receiving from a service provider a key having an identification tag identifying the service provider.

Column 17, line 66 through column 18, line 14, cited by the Examiner, describes how a hotel may transmit an encrypted key to the PEAD to be used to open a hotel room door. There is nothing about a key with a tag identifying the service provider.

Column 19, lines 3-4, cited by the Examiner, describes how a token, such as a room key may be encrypted with a user's public key and a merchant's private key. Encrypting the room key with the merchant's private key does not provide the key with a tag identifying the service provider, but simply obscures the key so that it may only be decrypted with the merchant's public key. There is no identification tag that identifies a service provider.

On page 4, paragraph 3 of the Final Action mailed on 4 May 2007, the Examiner points to the hotel directions, hotel private key, supermarket coupons, and that it would be inherent that the hotel key and coupons would not work at other hotels and supermarkets. Inherency requires that the inherent characteristic is necessarily present in the reference.

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish inherency. ... To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference.... (MPEP 2112 quoting *In re Rijckaert*, 9 F.3d 1531, 1534, (Fed. Cir. 1993), and *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990), emphasis in originals).

Applicant respectfully submits that it would not be inherent that the hotel key and coupons would not work at other hotels and supermarkets. In addition, Applicant submits none of this discloses or suggests a key with a tag identifying the service provider.

3. Wang has no disclosure related to providing the key and validity information to the access device in response to a request identifying the service provider.

As recited by the claims, a wireless communication link is established with an access device, and in response to a request identifying the service provider, a key having an identification tag identifying the service provider and validity information relating to a service provided by the service provider.

Column 18, lines 4-12, cited by the Examiner, describes how a hotel may transmit an encrypted key to the PEAD to be used to open a hotel room door. Applicant finds no teaching in this part or in any part of Wang related to these features of the present claims. Wang describes various transaction requests and approvals but has no disclosure related to providing a key having an identification tag identifying the service provider and validity information relating to a service provided by the service provider, in response to a request that identifies the service provider.

None of the deficiencies in Wang are cured by Wiik. Wiik describes a time controlled lock system, but has no disclosure related to receiving a key having an identification tag identifying the service provider from the service provider, and nothing related to providing the key and validity information to the access device in response to a request identifying the service provider.

Because the combination of Wang and Wiik fails to disclose or suggest all the features of the independent claims, the combination of Wang and Wiik fails to render claims 1-5 and 8-27 unpatentable.

At least for these reasons, independent claims 1, 23, 26 and 27, and dependent claims 2-5, 8-22, 24, and 25 are patentable over the combination of Wang and Wiik.

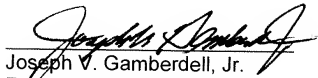
For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved

issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Please charge \$620.00 to Deposit Account No. 16-1350 for the Notice of Appeal (\$500.00) and for a one (1) month extension of time (\$120.00).

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Respectfully submitted,

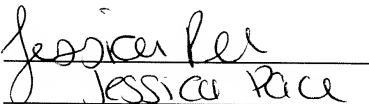

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